

RCS No.202/2019

Old RCS No.259/2008.

Prabhakar Ganpat Rajmane & Ors. V.
Nandkumar Dnyaneshwar Javanjal & Ors.
CNRNOMHSO100002992019

ORDER BELOW EXH.231.
(Passed on 19/01/2024)

Plaintiffs have submitted application for permission to give secondary evidence relating to measurement map. In short it is application that witness summons were issued to Taluka Inspector of Land Records, Malshiras to submit a measurement map "A" of SR No.1414/2015. A Taluk Inspector has submitted all papers of measurement but has not submitted measurement map "A" because it is not available. Accordingly, he has submitted application on 16/10/2023. The plaintiff has received a certified copy of measurement map "A" of the measurement case. As original measurement map is not available, therefore, permission may be granted to give secondary evidence.

2. To this application the defendant has submitted say that, the map which is submitted does not bear measurement case number, date of measurement, name of measurer, therefore, it is bogus document. Hence, application may be rejected.

3. I have heard learned advocate of plaintiff. He

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submits that, original measurement map "A" is not available. Plaintiffs have received a certified copy of it. The Taluka Inspector of Land Records has submitted a letter. Therefore permission may be granted. On the other hand, learned advocate of defendant submits that, the certified copy is a bogus document of measurement map. It does not bear case number, name of measurer, therefore, the existence of original document is in dispute. According to his submission, when existence of original document is in dispute, then permission could not be granted to give secondary evidence. I agree to his submission because the plaintiffs have to prove the existence of original map. The measurement map which has submitted is a certified copy but it does not bear the case number and name of measurer and who has prepared the map. To prove the existence of the measurement map more particularly the certified copy of measurement map if witness summons issued to the concern measurer then the existence of original document will be prima-facie proved. From which no prejudiced will be caused to either side. Hence, in the result, I pass the following order :-

ORDER

1. Issue witness summons to the concern measurer for purpose to prove existence of original

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measurement map.

2. Thereafter, this application will be decided.

Sd/-

Date-19/01/2024.

(U.V.Joshi)
Civil Judge, Senior Division, Malshiras.